



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	ADMINISTRATIVE ACTION
	:	
Ana M. Alvarez, C.H.H.A.	:	FINAL ORDER OF
Certificate No. 26NH13535900	:	DISCIPLINE
	:	
	:	
	:	
HOMEMAKER-HOME HEALTH AIDE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ana M. Alvarez ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on March 6, 2014 by the Hudson County Sheriff for violation of N.J.S.A. 2C:21-17.2A (Use of Personal Identifying Information of Another), and violation of N.J.S.A. 2C:28-7A (Tamper With Public Records), the Board sent a letter

of inquiry, requesting certain information and submission of documents, to Respondent's address of record in West New York, New Jersey, via regular and certified mail on or about March 14, 2014. A response was due within twenty (20) days. The certified mailing was delivered and signed for on March 27, 2014. The regular mailing was not returned.

3. On May 13, 2014, the Board received a letter from Respondent's attorney containing a copy of the complaint containing both charges against Respondent. Respondent's attorney stated that he would forward a copy of the grand jury indictment when he received it, and after the conclusion of her case, if authorized to do so, he would forward her version of events.

4. To date, the Board has received no other response from Respondent or her attorney.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 8, 2015, provisionally suspending respondent's certification to practice as a certified homemaker-home health aide and imposing a \$200 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order via her attorney. Although respondent did not provide all of the information originally requested by the Board in its March 14, 2014 letter of inquiry, she provided sufficient information so that the Board was able to understand what had occurred with regard to the arrest. The Board thus determined that respondent had substantially complied with the Board's request for information, and suspension of her certification was no longer

warranted. However, as respondent failed to adequately respond in timely fashion, and the Board was required to issue an order to obtain information that should have been forwarded earlier, the Board found that the \$200 civil penalty set forth in the Provisional Order should be imposed upon finalization of the order.

ACCORDINGLY, IT IS on this 9^m day of December, 2015,

ORDERED that:

1. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent has

provided in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*
Patricia Murphy, PhD, APN
President